



STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
REYNOLDS, LT. GOVERNOR

DEPARTMENT OF EDUCATION
BRAD A. BUCK, DIRECTOR

Memorandum

Date: September 30, 2013

To: Iowa Juvenile Home Protection Task Force

From: Brad Buck, Director

Re: Possible Options for Educational Program at Iowa Juvenile Home

This document summarizes the Department of Education's position on possible options for organization, funding, administration, and oversight of the education program at the Iowa Juvenile Home (IJH). Four options are presented. Each option will present a brief description of what a potential structure might look like, as well as pros and cons relating to each structure as we see them.

We acknowledge that it is the IJH Protection Task Force's role to make recommendations on potential changes. We intend this document and our analysis to serve as an outline to guide our discussion with the IJH Protection Task Force and as input that the IJH Protection Task Force can use in their deliberations. We will, however, recommend Option 4 in this analysis as the option the Department believes is in the best educational interests of the children and youth served at the Iowa Juvenile Home.

Thank you for this opportunity to share our thinking and know that we stand ready to assist the IJH Protection Task Force, the Governor, and the Legislature in making improvements to our education system.

Attachment: 1

Grimes State Office Building - 400 E 14th St - Des Moines IA 50319-0146

PHONE (515) 281-5294 FAX (515) 242-5988

www.educateiowa.gov

Championing Excellence for all Iowa Students through Leadership and Service

Overview of Options

This page provides an executive summary of options for providing the future education program at the Iowa Juvenile Home. Overriding question in our analysis: What structure will likely support the most effective educational services for IJH students?

	Option 1 Department of Human Services and Juvenile Home Continue to Provide Education Program,	Option 2 Department of Human Services and Juvenile Home Continue to Maintain Oversight Authority of the Education Program, Contract Out Provision of Education Program	Option 3 Modify Iowa Code; Assign Education Program Operation to Area Education Agency 267	Option 4 Modify Iowa Code; Assign Education Program Operation to Local School District (e.g., South Tama), with support from Area Education Agency 267
Code and/or Rule Change Required	No	Minor	Moderate	Moderate
Funding Mechanism	No Changes	No changes, use funds to contract for services	AEA receives special appropriation to run program as well as other dollars from DHS to supplement program implementation	Transform in Code the "educational program" in a special facility to an "attendance center" in a school district. Fund using existing educational funding mechanisms. Ensure funding of actual cost of appropriate services for these students.
Responsibility for Instructional Program	<ul style="list-style-type: none"> IJH is responsible IJH provides program AEA is responsible for support, related and other services AEA is responsible for oversight of special education services 	<ul style="list-style-type: none"> IJH is responsible Contractor (AEA, LEA, Private Vendor) provides program AEA is responsible for support, related and other services AEA is responsible for oversight of special education services 	<ul style="list-style-type: none"> AEA is responsible AEA provides program AEA is responsible for support, related and other services AEA is responsible for oversight of special education services 	<ul style="list-style-type: none"> LEA is responsible LEA provides program AEA is responsible for support, related and other services AEA is responsible for oversight of special education services

Accountability	20 USC 1400 <i>et seq.</i> ; Iowa Code Chapters 218, 256, 282. Defined in IAC Chapters 12, 34 and 41	20 USC 1400 <i>et seq.</i> ; Iowa Code Chapters 218, 256, 282. Defined in IAC Chapters 12, 34 and 41	20 USC 1400 <i>et seq.</i> ; Iowa Code Chapters 218, 256, 282. Defined in IAC Chapters 12, 34 and 41	20 USC 1400 <i>et seq.</i> ; Iowa Code Chapters 218, 256, 282. Defined in IAC Chapters 12, 34 and 41
	Accountable to DE for Chapter 12 and General Education services	Accountable to DE for Chapter 12 and General Education services	Accountable to DE for Chapter 12 and General Education services	Accountable to DE for Chapter 12 and General Education services
	Accountable to AEA and DE for Chapter 41 services	Accountable to AEA and DE for Chapter 41 services	Accountable to AEA and DE for Chapter 41 services	Accountable to AEA and DE for Chapter 41 services

Option 1

Maintain Education Program Structure Currently In Code; Department of Human Services and Juvenile Home Continue to Provide Education Program, Improve Implementation

Description of Option	<ul style="list-style-type: none"> Continue educational program at Juvenile Home in its current form, with its current structures, improve implementation.
Code Change Required	<ul style="list-style-type: none"> No. Chapter 34 of Iowa Administrative Code could remain unchanged or have only a few amendments.
Funding Mechanism	<ul style="list-style-type: none"> Funding mechanism remains unchanged; IJH is provided funding based on the number of students served on an annual basis: <ul style="list-style-type: none"> 1.0 dollars 0.7 weighted dollars Neglected and Delinquent funding
Responsibility for Instructional Program	<ul style="list-style-type: none"> Responsibility for instructional program (both general education and special education) lies with Juvenile Home staff and administration. Support, related and other services required to provide FAPE to IEP Students must be provided by the AEA. Other needed services must be purchased from the AEA (IAC 281-34.9).
Accountability for Program Excellence	<ul style="list-style-type: none"> Education program is to meet provisions of general school accreditation standards (281 -12). Program plan is submitted to Dept. of Ed. and approved by Feb. 1 each year. Special education services to students must meet standards in 281- 41. Dept. of Ed. has ultimate oversight authority for these services. AEAs have general supervision authority as well. Chapter 34 requires AEAs to provide media, educational and special education services to Juvenile Home comparable to those provided to schools (281-34.3(4)). These services would include special education general supervision and oversight (compliance).
Pros of Option	<ul style="list-style-type: none"> Puts all of the focus on improving programs for IJH students Requires little Code and rule change Focus could be on improving implementation of Code as written
Cons of Option	<ul style="list-style-type: none"> Maintains status quo Require some intensive intervention to help improve current status Blurred or unclear lines of governance Other options have more flexibility in funding

Option 2

Maintain Education Program Structure Currently In Code; Department of Human Services and Juvenile Home Continue to Maintain Oversight Authority of Education Program, **Contract Out Delivery of Education Program**, Improve Implementation

Description of Option	<ul style="list-style-type: none"> Department of Human Services and Juvenile Home Continue to Maintain Oversight Authority of Education Program, Contract Out Provision of Education Program to an AEA, LEA or Private Vendor.
Code Change Required	<ul style="list-style-type: none"> Small Administrative Code change required. Currently, Chapter 34 allows contracting for services with AEAs or LEAs, but does not provide the option for contracting with a private provider (281-34.3(2)).
Funding Mechanism	<ul style="list-style-type: none"> In addition to the current funding mechanism, supplemental funds from a combination of an appropriation from the General Assembly and funds provided by DHS. Budget approved by Dept. of Ed. – Feb. 1 of each year
Responsibility for Instructional Program	<ul style="list-style-type: none"> Responsibility for conceptualization and provision of the instructional program (both general education and special education) would continue to lie with Juvenile Home staff and administration. Through contract, staffing and implementation of IJH's instructional plan could be carried out by an external entity (AEA, LEA, or private vendor) under the oversight of IJH. Support, related and other services required to provide FAPE to IEP Students must be provided by the AEA. Other needed services could continue to be purchased from the AEA (IAC 281-34.9).
Accountability for Program Excellence	<ul style="list-style-type: none"> Education program is to meet provisions of general school accreditation standards (281 -12). The program plan is submitted to Dept. of Ed. and approved by Feb. 1 each year. Special education services to students must meet standards in chapter 281- 41. Dept. of Ed. has ultimate oversight authority for these services. Chapter 34 requires AEAs to provide media, educational and special education services to Juvenile Homes comparable to those provided to schools (281-34.3(4)). These services would include special education general supervision and oversight (compliance).
Pros of Option	<ul style="list-style-type: none"> Puts all of the focus on improving programs for IJH students Requires little Code and rule change Focus could be on improving implementation of Code as written Could provide access to additional expertise around the program issues
Cons of Option	<ul style="list-style-type: none"> Maintains the status quo Requires some intensive intervention to help improve current status Blurred or unclear lines of governance Other options have more flexibility in funding

	<ul style="list-style-type: none">• Adds an additional layer of bureaucracy• Contracted service is usually more expensive than direct service
--	--

Option 3

Modify Iowa Code; Assign Education Program Operation to Area Education Agency 267

Description of Option	<ul style="list-style-type: none"> Removes responsibility for operation of the education component of the Juvenile Home from DHS and IJH and gives that responsibility to AEA 267.
Code Change Required	<ul style="list-style-type: none"> Moderate statutory change would be required. In addition, Administrative Chapter 34 would need to be rewritten to assign responsibility and authority to the AEA.
Funding Mechanism	<ul style="list-style-type: none"> There are two primary options: <ol style="list-style-type: none"> Keep the funding mechanism the same, but have IJH provide the AEA the funds currently appropriated for the operation of the education program, which is a combination of the appropriation from the General Assembly, IDEA Part B federal grant monies, and additional dollars provided by DHS. A new funding mechanism could be created providing an appropriation directly to the AEA for the purpose of running the education program at IJH. It is recommended that the Education program budget continue to be approved by the Dept. of Ed. – Feb. 1 of each year.
Responsibility for Instructional Program	<ul style="list-style-type: none"> Responsibility for conceptualization and provision of the instructional program (both general education and special education) would transfer to the AEA. The AEA would run the instructional programs (including all aspects of conceptualization, curriculum, instruction, staffing, administration, supervision of staff, evaluation etc.). The AEAs currently have a similar arrangement with shelter care facilities. Resources to support the AEA's provision of support, related and other services required to provide FAPE to students with IEPs would need to continue to be provided to the AEA.
Accountability for Program Excellence	<ul style="list-style-type: none"> The education program will still meet provisions of general school accreditation standards (281-12). Plans in this case would be developed by the AEA. The program plan would continue to be submitted to the Dept. of Ed. and approved by Feb. 1 each year. Special education services to students must meet standards in 281- 41. The Dept. of Ed. has ultimate oversight authority for these services. The AEA would in this case be responsible to provide specially designed instruction, support and related services so that every student with an IEP receives a Free Appropriate Public Education. Chapter 34 requires AEAs to provide media, educational and special education services to Juvenile Homes comparable to those provided to schools (281-34.3(4)). This requirement would continue. One component of this option that would need to be considered is the Department of Education's general supervision responsibility for Special Education programs.

	<p>Usually, AEAs are delegated general supervision responsibility over the LEA programs by the Department of Education. In this case, the AEA will be running the instructional program as well, so the Department of Education's general supervision of these programs may need to be stepped up to ensure appropriate checks and balances.</p>
Pros of Option	<ul style="list-style-type: none"> • AEA 267 has some experience running instructional programs. • 3 of the 4 state operated programs under IAC 281-34 are located in AEA 267. • The AEA system is already running a similar model with shelter care programs. • This option adjusts governance so that educators are more directly responsible for the educational program. That is, the last line of authority for the educational program in this option is the AEA administrator and the AEA board.
Cons of Option	<ul style="list-style-type: none"> • The AEA would be placed in the position of exercising general supervision over its own program. • The AEA would deliver services from a greater distance than an LEA typically delivers services. • AEAs are less accustomed to providing direct services than LEAs. • There are sometimes unintended consequences of Code correction.

Option 4

Modify Iowa Code; Assign Education Program Operation to the Local School District (e.g., South Tama), with support from Area Education Agency 267

Description of Option	<ul style="list-style-type: none"> The education program at the Juvenile Home could be redefined from an "educational program" in a special facility to an "attendance center" within the local school district. In this case, the local district would take over responsibility for the operation of what would become an attendance center or "school" that is run on site at the Juvenile Home. This option would bring operation of the education program within the Juvenile Home much more in line with how schools are administered throughout Iowa. The governance structures become much clearer and roles and responsibilities within the education program are more familiar to all parties. In general, the local school district would be responsible for all curriculum, instruction, general education programs, special education programs, staffing, administration, personnel evaluation etc. The AEA would be responsible for providing support, related and other services related to services for children with IEPs. Child Find and general supervision of the special education programs would also fall to the AEA. Media, educational services and special education would be provided to this attendance center as they would be to any other school within AEA 267.
Code Change Required	<ul style="list-style-type: none"> Moderate statutory change would be required. In addition, Administrative Chapter 34 would need to be rewritten to assign responsibility and authority to the school district.
Funding Mechanism	<ul style="list-style-type: none"> The local school district would count attending students for generation of educational funding under the school foundation aide formula. Weighted funding for students with IEPs could also be generated to the district for the provision of special education services. AEA 267 would be able to count the students at this attendance center for purposes of generating funds. The district would also have access to the high cost fund, Title I-A funds, SINA/SIG monies, dropout prevention and at-risk supplemental weighting.
Responsibility for Instructional Program	<ul style="list-style-type: none"> Creation and implementation of the instructional plan for this attendance center would be governed by the local district's Comprehensive School Improvement Plan. The local school board would be the ultimate authority over the attendance center, just as they are over every other school in the district. The superintendent would have administrative authority and responsibility for this school, its staff, its administration and its programs. Operation of this school would meet all provisions of Chapter 281-12 of the Iowa Administrative Code.
Accountability for	<ul style="list-style-type: none"> Education program will still meet provisions of general

Program Excellence	<p>school accreditation standards 281 -12. Comprehensive School Improvement Plan in this case would be developed by the Local School District. Approval of CSIP would be completed under standard Chapter 12 procedures within the state. Students from the attendance center's achievement testing results would be included with the districts results. Their performance would impact the districts Adequate Yearly Progress standing. And the school would participate in the district's school improvement accountability (accreditation) visits. Additionally, the program would be included in the standard Chapter 41 special education compliance visits just as every other school in the state is.</p> <ul style="list-style-type: none"> • Special education services to students with disabilities would meet standards and requirements set forth in IAC 281- 41. AEA 267 would be responsible to provide support and related services so that every IEP student will receive a Free Appropriate Public Education. The AEA will also have general supervision authority over the special education programs at the school, as they do with every other school in their AEA. • The attendance center at the Juvenile Home would be listed in the district's District Developed Service Delivery Plan (DDSDP) on the continuum of services that may be provided to students with disabilities, and subject to the approval of the Iowa Department of Education. • The Iowa Department of Education would maintain in this option all of its regulatory authority of the education program granted to it by IAC chapters 281-12 and 281-41, among others.
Pros of Option	<ul style="list-style-type: none"> • This option standardizes funding across the state system for support of students. This option is how most education programs are conceived of and funded in Iowa. • LEAs are most experienced in providing education programming. • The state is already running this system with most education programs. • This option adjusts governance so that educators are more directly responsible for the educational program. That is, the last line of authority for the educational program in this option is the LEA superintendent and the LEA board. • The accountability system in the state is already set up to provide oversight to this structure. This option clarifies the lines of authority and accountability. • This option opens up access to other types of funding for the program because it would now be a district program (e.g., access to high cost fund, Title funds, SINA/SIG, dropout prevention and at risk supplemental weights, special education supplemental weights, etc.). • This option connects the education program to broader educational support (e.g., Iowa Core, professional

	development supports, etc.).
Cons of Option	<ul style="list-style-type: none"> • It is the biggest transition from where we are both structurally and from direct service provisions. • The closer to the kids, the broader the range of needs we're trying to accommodate at the local level (it can be harder to ensure specialized expertise). • This option will stretch the capacity of the LEAs. • There are sometimes unintended consequences of Code correction.

Proposal: Subsequent statutory adjustment will ensure that the education program cannot be denied.